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17 March 1986
OCA 86-0100/4

MEMORANDUM FOR: Director of Central Intelligence
FROM: Director, Office of Congressional Affairs
SUBJECT: Leaks Legislation

1. As you know, the Administration has been discussing leaks legislation for the past several years, but no consensus has been reached on the need for leaks legislation or how it should be drafted. Last week, the ADCI reluctantly agreed to withdraw leaks legislation from FY87 Intelligence Authorization Bill because of intense opposition from other agencies, especially DoJ, to our proposal. (See Letter to OMB Director Miller at Tab A)

2. It is obvious that we will make no progress toward obtaining leaks legislation until we reach a high level consensus on the need for such legislation. I believe the Agency could play a central role in forming a consensus and recommend that we take the following action forthwith:

--Enlist the Secretaries of Defense and State to support the need for leaks legislation and have them join a call for a meeting of the NSPG to decide the issue.

--Send the attached letter to the Attorney General (Tab B) reiterating your conviction that leaks legislation is needed and informing him of your intent to bring the issue up for consideration by the highest levels of the Administration.

--Press Admiral Poindexter for the meeting of the NSPG by mid-April to decide whether the Administration will commit to Leaks legislation.

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David D. Gries

Attachments:
as stated

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Central Intelligence Agency



Washington, D.C. 20505



8 March 1986

The Honorable James C. Miller III
Director
Office of Management and Budget
Washington, D.C. 20503

Mr. Miller

I know that you share my concern regarding the increasing threat to our national security posed by unauthorized disclosure of classified intelligence information. The compromise of our intelligence sources, both human and technical, has placed lives in jeopardy and rendered expensive technical collection systems ineffective. Unfortunately, we have not been able to take effective steps to punish those who have violated their obligation to protect classified information and this has created the perception that nobody cares. We simply must restore discipline to the handling of sensitive information.

While there is no single solution to the problem of leaks, one step that can be taken is to enact legislation that would criminalize the reprehensible conduct of disclosing classified information to those outside government who are not authorized to receive it. Enactment of leaks legislation, combined with a vigorous effort to detect those who are engaged in disclosing classified information, will restore an element of risk to those who misuse classified information.

We have proposed leaks legislation as part of the draft Intelligence Authorization Bill for the past two years. Last year, objections were raised to the inclusion of leaks legislation in the Authorization Bill because the issue needed to be studied more closely and a consensus reached within the Executive Branch on whether we should attempt to enact leaks legislation. To date, I am not aware that any action has been taken to reach such a consensus!

This year we again proposed leaks legislation as part of the Authorization Bill. Once again, we were told that consideration of leaks legislation should be postponed. I do not believe we can continue to indefinitely postpone taking effective action. Too many of our nation's secrets have already been compromised to continue a business as usual attitude.

Given the exceedingly compressed time frame imposed on the authorization process by Gramm-Rudman, I do not want to jeopardize the rest of our FY 87 authorization bill because of another internal debate on this issue. Therefore, I reluctantly agree to the deletion of the leaks provisions from this year's bill. In return, I trust that OMB will support and facilitate the enactment of strong leaks legislation this year.

Sincerely,


John N. McMahon
Acting Director of Central Intelligence

Central Intelligence Agency



Washington, D.C. 20505

25 MAR 1986

The Honorable Edwin Meese, III
The Attorney General
Washington, D.C. 20530

Dear Ed:

I know that you share my concern regarding the increasing threat to our national security posed by unauthorized disclosure of classified intelligence information. The compromise of our intelligence sources, both human and technical, has placed lives in jeopardy and rendered expensive technical collection systems ineffective. Unfortunately, we have not been able to take effective steps to punish those who have violated their obligation to protect classified information and this has created the perception that nobody cares. We simply must restore discipline to the handling of sensitive information.

While there is no single solution to the problem of leaks, one step that can be taken is to enact legislation that would criminalize the reprehensible conduct of disclosing classified information to those outside the government who are not authorized to receive it. Enactment of leaks legislation, combined with a vigorous effort to detect those who are engaged in disclosing classified information, will restore an element of risk to those who misuse classified information.

We have proposed leaks legislation as part of the draft Intelligence Authorization Bill for the past two years. Last year, the Department raised objections to including leaks legislation in the Authorization Bill because the issue needed to be studied more closely and a consensus reached within the Executive Branch on whether we should attempt to enact leaks legislation. To date, I am not aware that any action has been taken to reach such a consensus.

This year we again proposed leaks legislation as part of the Authorization Bill. Once again, the Department questioned the need for the legislation and raised objections to the substance of our proposed bill. Last week, in a letter to the Director of the Office of Management and Budget, the Acting Director of Central Intelligence reluctantly agreed to the deletion of the leaks provision from the Authorization Bill.

I do not believe we can continue to indefinitely postpone taking effective action. Too many of our nation's secrets have already been compromised to continue a business as usual attitude. Because this issue can only be decided at the highest levels of the Administration, I intend to press for a meeting of the NSPG at the earliest possible date to address the question of whether the Administration is willing to work for enactment of leaks legislation. For the reasons set forth above, I am convinced that new legislation is a key first step in tackling this problem, and I hope I can count on your active support in accomplishing this goal. I am sure that we can work together to prepare effective legislation. I look forward to hearing from you on this matter in the very near future.

Sincerely,

/s/ William J. Casey

William J. Casey
Director of Central Intelligence

cc: Secretary of Defense
Secretary of State
Assistant to the President for
National Security Affairs
Director of Management and Budget

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